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Ms. Jane Garvey, Administrator
Federal Aviation Administration
Office of Chief Counsel
Rules Docket Office [29547]
800 Independence Avenue, SW, Room 915-G
Washington, DC 20591

Re: Comments to Administrator on proposed **207-Minute** Extended Range Operations With Two-Engine Aircraft (**ETOPS**) Operation Approval Criteria

Dear Administrator **Garvey**:

On behalf of the **3400** pilots it represents, the **FEDEX PILOTS ASSOCIATION (FPA)** supports the attached comments drafted by the Allied Pilots Association (**APA**) in opposition to the Federal Register Notice, dated April **27, 1999**, from the U.S. Department of Transportation, Federal Aviation Administration, regarding the Air Transport Association request for **207-Minute** Extended Range Operations With Two-Engine Aircraft (**ETOPS**) Operation Approval Criteria.

FPA represents approximately **3400** professional pilots employed by an all cargo supplemental air carrier. This carrier operates worldwide with both two and three engine aircraft. One purpose of **FPA** is to promote the safety of air transport. **FEDEX PILOTS ASSOCIATION**, Constitution and By-Laws (1996), at **9**. An essential element implied within this purpose is to support regulations and statutes as promulgated by the appropriate **authorities** developed in accordance with the law.

FPA is opposed to extending **ETOPS** without coverage by FAR's, including the mandatory rulemaking procedures. Congress enacted the *Federal Aviation Act of 1958*, as amended, **49 USC § 40101 et. seq.**, (**FA Act**), which required the Secretary of Transportation and the Federal Aviation Administrator ("**FAA**" or "Agency") to create and enforce the Federal Aviation Regulations (FAR's). To that end, **FPA** is of the position that an area as important as **ETOPS** should be subject to the procedure.

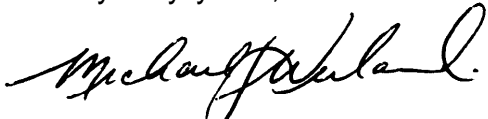
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In conclusion, **FPA** supports and adopts the position stated in the attached comments of **APA** in opposition to the proposal. For convenience, the conclusions are reiterated as the position of **FPA**.

"CONCLUSIONS

1. The Allied Pilots Association is strongly opposed to any increase in **ETOPS** diversion times.
2. The proposed **207-minute ETOPS** diversion time will increase the level of risk for a substantial number of transoceanic flights over remote areas like Siberia and the Arctic.
3. **APA** objects to the process used to produce the proposed policy letter. It is not the open public process specified for a regulatory change with substantial public interest and public policy implications.
4. The proposed policy letter provides an obvious escape mechanism from the very provisions that it offers to offset the known increase in risk.
5. No change should be made to the current **180 minute ETOPS** diversion time without the issuance of an FAR."

Very truly yours,



Michael J. Weiland
President

MJW:ph

Enclosure – Comments by Allied Pilots Association dated March 2, 1999

cc: Capt. Richard T. LaVoy, **APA** President
Darrell J. Green, **FPA** General Counsel